

**BARBERING AND COSMETOLOGY EXAMINING BOARD
MINUTES
SEPTEMBER 12, 2005**

PRESENT: Leon Lauer, Mary Blake, Jeannie Bush, Janice Boeck, Jeffrey Patterson, Vera Harris, and E. Rod Gottfredsen

EXCUSED: Nancy Paggao

STAFF PRESENT: Tim Wellnitz, Bureau Director; Dennis Schuh, Legal Counsel; Pat Schenck, Program Assistant; Darwin Tichenor, Exam Specialist; and Division of Enforcement Staff

GUESTS: Pat Lemke, Instructor, Mid-State Cosmetology School w/37 students; Fern Michaels, Academy of Cosmetology; Jackie Behling, Lauri Thomas, Danielle Thoemling, Mandi Varne, Tiffany Biddle, Alexander Thomas School of Esth; Avita Regan, Aviderm Skin Care; Mary Pierce, DWD-BAS; Jan Studeville, Just Nails; Amber McCandless, Amie Metz, Annette Sather, Dani Hembrook, Kaci Kizewski, Pat Steiner, Mid-State Tech College; Marg Kardoskee, NCAWI; Aneli Buras, Cauessa Henke, Maggiwe Grade, Meredith Bishop, SCBC; Ann Derenne, Skin Light LLC; Joan Kornitz, Instructor, WCTC, and students: Andriene Kudronowicz, Candace Chapman, Caroline Norman, Emily Brassell, Jason Polster, Jennifer Steffen, Julie Schuler, Katie Bastian, Melissa Herrmann, Monique Jones, Nicole Ward, Randi Brassell, Shelley Jackson, Susan VanderVelde, Tiffany Wilson, Tyler Exner, WCTC

CALL TO ORDER

Leon Lauer, Chair, called the meeting to order at 9:30 a.m. A quorum of seven members was present.

Mr. Lauer welcomed students and guests attending the meeting.

AGENDA

Additions to Agenda:

- New Agenda page
- Add Scope Statement and Appendix A after Item F – Page 65a.
- Add Corrected Case Summary 05 BAC 005 to Item L.
- Add Stipulation Tram Le d/b/a Queens Nails to Item Cc.

MOTION: Jeanne Bush moved, seconded by Vera Harris, to approve the agenda with additions. Motion carried unanimously.

MINUTES OF JUNE 6, 2005

MOTION: Janice Boeck moved, seconded by Mary Blake, to approve the minutes of June 6, 2005 as written.. Motion carried unanimously.

ADMINISTRATIVE REPORT TIM WELLNITZ, BUREAU DIRECTOR

Leon Lauer introduced Tim Wellnitz as the new Bureau Director of Business & Design professions.

SUMMARY OF REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES AND PRESS RELEASES

Noted.

PRESENTATION OF PROPOSED STIPULATIONS BY DIVISION OF ENFORCEMENT OR ANY THAT SUBMITTED AFTER PRINTING OF THE AGENDA.

There were no presentations given by the Division of Enforcement for the following stipulations.

Star Nails and Dung Q. Nguyen 03 BAC 068

Tony Rentas Hair Stylist & Tony Rentas 03 BAC 017

Nikkie Nguyen, Regal Nails 03 BAC 119

Thu Ha Pham, Nail Touch 03 BAC 102

Katty Nguyen, Fancy Nails 05 BAC 005

Nga T. Tran, Tip on Nails

Terry L. Ballard 03 BAC 046

Lisa L. Turner, Tangles Hair Salon 03 BAC 046

Jacqueline S. Robinson Ofedahl, Lisa M. Ness, Terry J. Lackore, Village Shears 03 BAC 090

Tram Le d/b/a Queens Nails – 02 BAC 076

LEGISLATIVE/ADMINISTRATIVE RULES UPDATE

FYI Amended Scope Statement BC 1.01(6) – Household Bleach as a Disinfectant

Mr. Wellnitz addressed the Board regarding the amended scope statement regarding household bleach as a disinfectant.

Mr. Lauer distributed a Technical Report from Micro-Scientific Industries regarding “An Objective Look at Disinfectant Selection” for the Boards review.

MOTION: Jeannie Bush moved, seconded by E. Rod Gottfredsen, to approve the scope statement as amended. Motion carried unanimously.

Review of Revisions to Administrative Rules BC 1 – BC 9

Mr. Schuh reported on the rule changes to BC 1- BC 9.

Removing Household Bleach as a Disinfectant

Mr. Schuh reported on the rule changes regarding removing household bleach as a disinfectant.

Microdermabrasion

Mr. Schuh reported on the rule changes regarding microdermabrasion. The Board discussed the number of hours required for training and education in microdermabrasion and the general supervision requirement. What is general supervision of the physician, the physical parameter of the supervising physician, and what level of supervision is required? The Board agreed to add “within a 125 mile radius” requirement for the supervising physician. The Board noted that the supervising physician is required to have a license in medicine and surgery in the State of Wisconsin.

MOTION: Mary Blake moved, seconded by Jeffrey Patterson, to accept the changes as made to BC 1- BC 9 of the administrative rules. Motion carried unanimously.

The Board made additional revisions and other minor corrections to the rules.

MOTION: Vera Harris moved, seconded by Mary Blake, to approve the additional general changes and corrections to the rules. Motion carried unanimously.

Correspondence Regarding Microdermabrasion – State Senator Alberta Darling

A guest visiting the meeting provided testimony in favor of State Senator Alberta Darling’s correspondence regarding microdermabrasion.

Disinfectant of Foot Spas – Appendix A and Scope Statement

Mr. Schuh reported that information and suggestions on how to disinfect foot spas is on the Department’s website <http://drl.wi.gov> . The Board would like to move forward with rule changes regarding disinfection of foot spas in the State of Wisconsin.

MOTION: Janice Boeck moved, seconded by Jeff Patterson, to approve the scope statement creating an administrative rule relating to the disinfection of foot spas within licensed cosmetology establishments as written and request that the scope statement be published. Motion carried unanimously.

**EXAMINATION AND EDUCATION - DISTANCE EDUCATION STANDARDS UPDATE –
DARWIN TICHENOR**

Darwin Tichenor addressed the Board regarding distance education standards and distributed a list of nine standards for approval for schools that wish to provide instruction via distance modalities. Distance learning in barbering and cosmetology theory topics may be approved, if the Department of Regulation and Licensing determines that it meets the standards as outlined. Any school regulated by the Department that wishes to provide instruction via distance modalities must submit a request for approval that addresses the nine standards.

DIVISION OF ENFORCEMENT – FORFEITURE GRID – LARA HERMAN, ATTORNEY

Mr. Schuh distributed the forfeiture grid used by the Division of Enforcement for the Boards review and for consideration of suggested changes and updates. Lara Herman, Attorney, DOE presented the proposed changes to the forfeiture grid.

- MOTION:** Janice Boeck moved, seconded by E. Rod Gottfredsen, to allow 45 days to submit application papers notifying the Department when an establishment changes location, or when there is new ownership. Motion carried unanimously.
- MOTION:** Janice Boeck moved, seconded by Mary Blake, to modify the forfeiture grid under Electrolysis 4.09(1) second offense to \$1,000 plus 10 days of suspension, and change third offense, to revocation of license. Motion carried unanimously.
- MOTION:** Janice Boeck moved, seconded by Vera Harris, to modify the forfeiture grid in regards to violations under Manicuring 4.10(1), 4.10(3) 4.10(2) and 4.10(4) first offense to \$250, second offense to \$500 and third offense to \$1,000 Motion carried unanimously.
- MOTION:** E. Rod Goffredsen moved, seconded by Jeffrey Patterson, to adopt the recommended changes as outlined in red on the forfeiture grid. Motion carried unanimously.
- MOTION:** E. Rod Gottfredsen moved, seconded by Janice Boeck, to add language pertaining to failure to respond to notice to correct 3.05(3) to the forfeiture grid under refusal to allow an inspection 3.05. Motion carried unanimously.
- MOTION:** Janice Boeck moved, seconded by Mary Blake, to include an administrative warning as a recommended course of action for violations on the grid that currently have no forfeiture attached for a first offense. Motion carried unanimously.

**CORRESPONDENCE FROM COALITION OF BODY MODIFICATION ASSOCIATION
(CBMA)**

Body Modification – Tattooing and Piercing

Information item only.

NEW BUSINESS

None.

BOARD MEMBER ACTIVITY

Mr. Lauer reported that today was his last meeting as Chair of the Barbering and Cosmetology Examining Board and that he has served on the Board for nine years. Mr. Lauer expressed his thanks and appreciation to the members on the Board and the members expressed their appreciation for all Mr. Lauer's service to the Board, the Department, and the citizens of Wisconsin.

Mr. Patterson will be attending NABBA's 79th Annual Conference on September 17-22, 2005 in Myrtle Beach, SC.

VISITORS COMMENTS

A guest questioned the status of adding men's hair cutting to the examination.

CLOSED SESSION

MOTION: Jeannie Bush moved, seconded by Mary Blake, to convene to Closed Session to deliberate on cases involving hearings (s. 19.85 (11) (a), Stats.); to consider licensure or discipline (s. 19.85(1) (b), Stats. to consider individual histories or disciplinary data (s. 19.85(1) (f), Stats.); and to confer with legal counsel (s. 19.85(1) (g), Stats.). Motion carried by roll call vote: Leon Lauer-yes, Jeannie Bush-yes, Janice Boeck-yes, Mary Blake-yes; Jeffrey Patterson-yes; E. Rod Gottfredsen-yes; Vera Harris-yes.

Open session recessed at 11:45 a.m.

The Board deliberated on monitoring reports, proposed stipulations, administrative warnings, case closings, examination issues, request for appeal of denials, application review, and reinstatement requests and case status reports.

RECONVENE INTO OPEN SESSION

MOTION: Janice Boeck moved, seconded by Vera Harris, to reconvene into open session at 11:55 a.m. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MONITORING REPORT

None.

CASE CLOSINGS AND CITATIONS

MOTION: Jeannie Bush moved, seconded by Janice Boeck, to close the attached cases **03 BAC 012, 04 BAC 045, 04 BAC 059** and approve citations as final decisions and orders for cases **03 BAC 012, 04 BAC 045, 04 BAC 059**. Motion carried unanimously.

MOTION: Jeannie Bush moved, seconded by Janice Boeck, to close the following cases:
03 BAC 028 for insufficient evidence.
03 BAC 094 for prosecutorial discretion (P5)
05 BAC 008 for insufficient evidence.
05 BAC 005 for insufficient evidence.
03 BAC 096 for administrative closure.
03 BAC 012 for prosecutorial discretion (P7).
03 BAC 119 for lack of jurisdiction (L2)
05 BAC 028 for prosecutorial discretion (P2).
04 BAC 032 for no violation.
03 BAC 014 for prosecutorial discretion (P2).
05 BAC 029 for no violation.
Motion carried unanimously.

STIPULATIONS

MOTION: Jeannie Bush moved, seconded by Janice Boeck, to accept all the Stipulations as written in the matter concerning the Board. Motion carried unanimously.

STAR NAILS AND DUNG Q. NGUYEN 03 BAC 068

MOTION: To adopt the Final Decision and Order, Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter concerning **Star Nails and Dung Q. Nguyen 03 BAC 068**. Motion carried unanimously.

TONY RENTAS HAIR STYLIST & TONY RENTAS 03 BAC 017

MOTION: To adopt the Final Decision and Order, Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter concerning **Tony Rentas Hair Stylist & Tony Rentas 03 BAC 017**. Motion carried unanimously.

NIKKIE NGUYEN, REGAL NAILS 03 BAC 119

MOTION: To adopt the Final Decision and Order, Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter concerning **Nikkie Nguyen, Regal Nails 03 BAC 119**. Motion carried unanimously.

THU HA PHAM, NAIL TOUCH 03 BAC 102

MOTION: To adopt the Final Decision and Order, Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter concerning **Thu Ha Pham, Nail Touch 03 BAC 102**. Motion carried unanimously.

KATTY NGUYEN, FANCY NAILS 05 BAC 005

MOTION: To adopt the Final Decision and Order, Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter concerning **Katty Nguyen, Fancy Nails 05 BAC 005**. Motion carried unanimously.

NGA T. TRAN, TIP ON NAILS

MOTION: To adopt the Final Decision and Order, Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter concerning **Nga T. Tran, Tip on Nails**. Motion carried unanimously.

TERRY L. BALLARD 03 BAC 046

MOTION: To adopt the Final Decision and Order, Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter concerning **Terry L. Ballard 03 BAC 046**. Motion carried unanimously.

LISA L. TURNER, TANGLES HAIR SALON 03 BAC 046

MOTION: To adopt the Final Decision and Order, Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter concerning **Lisa L. Turner, Tangles Hair Salon 03 BAC 046**. Motion carried unanimously.

**JACQUELINE S. ROBINSON OFEDAHL, LISA M. NESS, TERRY J. LACKORE, VILLAGE
SHEARS 03 BAC 090**

MOTION: To adopt the Final Decision and Order, Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter concerning **Jacqueline S. Robinson Ofedahl, Lisa M. Ness, Terry J. Lackore, Village Shears 03 BAC 090.** Motion carried unanimously.

TRAM LE D/B/A QUEENS NAILS – 02 BAC 076

MOTION: To adopt the Final Decision and Order, Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter concerning **Tram Le d/b/a Queens Nails – 02 BAC 076.** Motion carried unanimously.

**ADMINISTRATIVE WARNINGS
PROPOSED DECISION
APPLICATIONS
REINSTATEMENT REQUESTS
EXAMINATION ISSUES
CONSULTING WITH LEGAL COUNSEL**

Mr. Schuh discussed a billing issue with the Board.

ADJOURNMENT

MOTION: Mary Blake moved, seconded by Janice Boeck to adjourn the meeting at 12:05 p.m. Motion carried unanimously.

NEXT MEETING: December 5, 2005